

Statement Regarding the Draft Law on Tripling the Compensation for Insult and Libel Adopted by the Armenian National Assembly

15 April 2021, Yerevan

On March 24, 2021, the RA National Assembly adopted in the second reading and completely the draft law amending the RA Civil Code authored by Alen Simonyan, RA NA Deputy Speaker, raising the damages awards for insult and libel to 3 million and 6 million AMD, respectively.

This amendment is extremely dangerous, especially if we take into account the propensity of the representatives of the state authorities, politicians and other public figures to perceive even objective criticism as insult and defamation and apply to the court. If we add to this the total lack of independence of the judiciary, judgments following such complaints may become fatal for the further activities of the media.

This essentially means that contrary to the criticism, calls and appeals of the media organizations and the expert community, the legislature approved of a repressive initiative related to the media field, which is not backed by any profound professional research and analysis, and is solely conditioned by narrow political interests.

The initial version of the draft, which was adopted in the first reading, envisaged multiplying the upper thresholds of damages awards for insult and libel by five. Later, in the course of the deliberations in the NA it was decided to multiply them by three. This, however, cannot be deemed as a compromise in the solution of the problem as these amounts are not comparable with the socio-economic situation of the country and the finances of the media.

Without any intention whatsoever to defend those that commit defamation and insult, we, the undersigned media organizations, reaffirm that these amendments will cause a significant damage to freedom of expression and restrict the media ability to criticise objectively. Apart from this, it may become a trigger for the courts to adopt more severe judgments against the media.

It is obvious that this legislative initiative undermines the balance between the right to freedom of expression envisaged by Article 10 of the European Convention on Human Rights and the right to privacy envisaged by Article 8 of the same Convention. This amendment also neglects an important provision from the Decision No 997 of the Constitutional Court dated November 15, 2011, according to which while determining a damages award for insult and libel contained in publications, note should be taken of the finances of media to avoid a situation whereby liability leads to bankruptcy.

In view of the aforesaid, we call on the:

- RA President not to sign the Law on Amendments to the RA Civil Code and refer it to the RA Constitutional Court to verify whether it conforms to the RA Constitution and the precedent set by the November 15, 2011 Decision No 997 of the same Court.
- International organizations to publicly deplore the legislative amendments raising the damages awards for libel and insult and to call on the authorities to review this initiative endangering freedom of speech in Armenia.

COMMITTEE TO PROTECT FREEDOM OF EXPRESSION

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